



## A BILL FOR AN ORDINANCE

RELATING TO PUBLICATION DISPENSING RACKS AND PUBLICATION  
DISPENSING RACK ENCLOSURES IN WAIKIKI.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to update the ordinance provisions relating to publication dispensing racks and publication dispensing rack enclosures within the Waikiki special district.

SECTION 2. Section 16 of Ordinance 02-10 relating to the effective date and implementation of uncodified Part II of Ordinance 02-10 is hereby repealed.

SECTION 3. Section 29-11.3, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

**"Sec. 29-11.3        Location and installation of publication dispensing rack enclosures.**

[(a)] Publication dispensing rack enclosures shall be permitted at locations designated by the director in the Waikiki special district. Until such time as the director has designated the locations, and notwithstanding subsection (d), the enclosures shall be permitted at those locations designated in Chapter 29, Articles 11 and 15, as they existed the day before March 28, 2002.

(b)](a) [A minimum of] Each designated location must include at least one [twelve-inch] publication dispensing rack enclosure [and one] consisting of a minimum of four twelve-inch or two twenty-four-inch [publication dispensing rack enclosure shall be at each designated location.] spaces.

[(c)](b) The city [shall have installed or] shall install[, within six months of March 28, 2002, a minimum of 93] publication dispensing rack enclosures [with a minimum of 1,400 publication dispensing rack spaces] within the Waikiki special district. [At least 21 of the enclosures and 500 of the spaces shall be installed, or have been installed, on the sidewalk of Kalakaua Avenue.] The director shall adjust the location of publication dispensing rack enclosures and the number of spaces in each enclosure existing on January 1, 2014 as follows:

- (1) The director may remove a publication dispensing rack enclosure or replace an enclosure with an enclosure containing a lesser number of spaces (but not less than the minimum number of spaces per enclosure



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required in subsection (a)), if greater than fifty percent of the number of spaces in an enclosure remain unallocated after two successive allocation or reallocation of the spaces.

- (2) The director may add a minimum-sized publication dispensing rack enclosure or increase the number of spaces in an existing enclosure, if the director determines, upon petition and submission of evidence by an applicant, that additional spaces are warranted because there is sufficient demand to occupy at least fifty percent of the additional spaces requested. The director shall determine the evidence required to be submitted by an applicant, and the decision of the director is final.

- [(d)](c)(1) The design, dimensions, placement, materials and orientation of each publication dispensing rack enclosure shall be determined by the director or the appropriate city agency and shall be based on compliance with the Americans with Disabilities Act (ADA), Chapter 21 (the Land Use Ordinance), and Chapter 15 (the Traffic Code). Standards prescribed by the director or appropriate city agency may differ for the various publication dispensing rack enclosures.
- (2) Sound traffic engineering principles and pedestrian safety factors should be considered in determining the exact dimensions and placement of each enclosure. The director or appropriate city agency should also adhere to the department of transportation services' guidelines for the placement of obstructions in sidewalk areas, and any revisions thereto, to the extent practicable."

SECTION 4. Section 29-11.6, Revised Ordinances of Honolulu 1990, as amended ("Publication dispensing rack space permits"), is amended by amending subsection (h) to read as follows:

- "(h) The director, by rule, shall establish the fee based on the city's cost to clean, maintain and repair the publication dispensing rack enclosures. Until such time as the director establishes a new fee, the [There shall be a] permit fee [of \$108] is \$444 per triennium for each publication dispensing rack space allocated for a publication. The fee is payable in equal annual amounts due no later than 30 days before the start of each new 12 month period beginning on July 1, or as otherwise adjusted by the director. Failure to submit payment by the due date will result in termination of the space permit, and the applicable space will be reallocated pursuant to subsection (c)(2).



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- (1) No refund of fees [shall] will be made if the publication abandons or surrenders a space.
- (2) [Fees for permits] Permit fees for spaces reallocated under subsection (c)(2) [shall] will be prorated for the remainder of the three-year permit period.
- [(3) All fees shall be paid after the allocation of spaces pursuant to subsection (c)(1), or the reallocation of spaces pursuant to subsection (c)(2), but before issuance of the permit. When one applicant has submitted applications on behalf of a number of publications the applicant shall pay the permit fees for all spaces allocated or reallocated for all of the publications before a permit may be issued for any of the publications.
- (4) A permit shall not be issued to an applicant, or for a publication, which fails to pay the applicable permit fee for all spaces allocated or reallocated to the applicant for the publication. All of the publication dispensing rack spaces that would have been included in the permit for the publication for which payment is not made shall be deemed unallocated and available to be reallocated pursuant to subsection (c)(2).]"

SECTION 5. Section 29-11.9, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

**"Sec. 29-11.9      Installation, maintenance, and repair of publication dispensing enclosures, spaces and inserts.**

- (a) It shall be the responsibility of the city to install, maintain and repair the publication dispensing rack enclosures, either directly, by contract with a private contractor or through a special improvement district. Any cost for the installation, maintenance and repair of the enclosure shall be borne by the city.
- (b) It shall be the responsibility of the permittee to maintain any publication dispensing rack space for which it holds a permit. Any cost to maintain the space shall be borne by the permittee.
- (c) It shall be the responsibility of the permittee to maintain in good operating order and repair any publication dispensing rack insert inserted into a space in a publication dispensing rack enclosure.



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- (d) Failure of a permittee to comply with either subsection (b) or (c) constitutes grounds for the suspension or revocation of the permit."

SECTION 6. Section 29-11.10, Revised Ordinances of Honolulu 1990, as amended ("Temporary dislocations"), is amended by amending subsection (a) to read as follows:

- "(a) The director may direct a permittee to remove copies of the permitted publication and the permittee's publication dispensing rack insert from a publication dispensing rack enclosure temporarily during any public, private or utility construction work, conducted on the public sidewalk, the abutting roadway, an adjacent building or structure or to any utility, when the director determines that the removal is necessary in the interest of public safety[.] or to facilitate the construction work."

SECTION 7. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE 14-7

BILL 67 (2013), CD1, FD1

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SECTION 8. This ordinance takes effect upon its approval.

INTRODUCED BY:

Stanley Chang

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DATE OF INTRODUCTION:


November 7, 2013  
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this 17<sup>th</sup> day of April, 2014.

  
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KIRK CALDWELL, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE 14-7

BILL 67 (2013), CD1

Introduced: 11/07/13 By: STANLEY CHANG

Committee: PUBLIC SAFETY AND  
ECONOMIC  
DEVELOPMENT

Title: A BILL FOR AN ORDINANCE RELATING TO PUBLICATION DISPENSING RACKS AND PUBLICATION  
DISPENSING RACK ENCLOSURES IN WAIKIKI.

Voting Legend: \* = Aye w/Reservations

11/13/13	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PUBLIC SAFETY AND ECONOMIC DEVELOPMENT. 5 AYES: FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MARTIN. 4 ABSENT: ANDERSON, CHANG, MENOR, PINE.
11/19/13	PUBLIC SAFETY AND ECONOMIC DEVELOPMENT	BILL DEFERRED IN COMMITTEE.
02/25/14	PUBLIC SAFETY AND ECONOMIC DEVELOPMENT	CR-49(14) - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN CD1 FORM AND SCHEDULING OF A PUBLIC HEARING.
03/01/14	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR- ADVERTISER.
03/12/14	COUNCIL/PUBLIC HEARING	CR-49(14) ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PUBLIC SAFETY AND ECONOMIC DEVELOPMENT. 9 AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MARTIN, MENOR, PINE.
03/18/14	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR- ADVERTISER.
03/18/14	PUBLIC SAFETY AND ECONOMIC DEVELOPMENT	CR-71(14) - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
04/16/14	COUNCIL	BILL AMENDED TO FD1. 9 AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MARTIN, MENOR, PINE. CR-71(14) ADOPTED AND BILL 67 (2013), CD1, FD1 PASSED THIRD READING. 9 AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MARTIN, MENOR, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this Bill.

  
BERNICE K. N. MAU, CITY CLERK

  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER